

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Request of SBC Ameritech Wisconsin)
for Limited Modification of Certain)
LATA Boundaries in Wisconsin and)
Request for Expedited Treatment)

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Communications Commission
Office of Secretary

PETITION

Pursuant to Section 3(25) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (47 U.S.C. §153(25)), and the Commission's Memorandum Opinion and Order in the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations ("ELCS Order"),¹ Wisconsin Bell, Inc. ("SBC Ameritech Wisconsin" or "SBC Ameritech") hereby petitions the Commission for approval of a limited LATA boundary adjustment for an area being developed as a new residential subdivision in which the current LATA boundary splits the proposed subdivision into two separate components required to be served by **two** different exchanges.

Based upon discussions with the land developer for this project, it is anticipated that there will be sixteen residential lots in this subdivision development. Of those 16 lots, seven exist in the Town of Richmond in LATA #354, and the remaining nine exist in the Town of Whitewater in LATA #356. SBC Ameritech requests a boundary modification which would transfer the area with the seven lots in LATA #354 to LATA #356. SBC anticipates the first order for service may arise as early as the fourth quarter of 2002. Consequently, SBC requests expedited treatment of this petition.

¹ CC Docker No. 96-159, File Nos. NSD-LM-97-2 through NSD-LM-97-25 (July 15, 1997).

There are four primary and simple reasons that the LATA boundary should be amended to allow all sixteen lots in the development to be served out of the Whitewater exchange in LATA #356:

1. The current boundary divides the development roughly in half, but community of interest considerations support placing the entirety of this small, 16-lot development in one LATA.
2. SBC Ameritech's current network infrastructure allows for this development to be more efficiently served by facilities from the Whitewater exchange in LATA #356. Serving the seven potential customers currently in LATA #354 from the Richmond exchange would entail substantial infrastructure investment that is unnecessary and avoided by the boundary modification requested herein.
3. The requested boundary modification will have at most a negligible effect on interLATA competition.
4. The Administrator of the Telecommunications Division of the Public Service Commission of Wisconsin (PSCW) has reviewed this matter and has no objection to the requested boundary change.

These justifications are supported and explained further below in the information provided pursuant to the ELCS Order.

Information Submitted Pursuant to the ELCS Order

SBC Ameritech now addresses the information requested in the ELCS Order. The numbered paragraphs below correspond to the numbered categories set forth at Paragraph 23 of the ELCS Order.

1. Type of Service. The portion of the new subdivision being considered for boundary modification contains seven residential lots which will eventually be utilized by customers subscribing to message rate service. This service is the only type of residential service in Wisconsin.
2. Direction of Service. The requested relief is sought for two-way service.
3. Exchanges Involved. This petition involves a 40-acre plot of land which straddles the boundary between the Richmond exchange in Wisconsin's Southwest LATA (LATA #354) and the Whitewater exchange in Wisconsin's Southeast LATA (LATA #356). In addition, the maps attached hereto as Exhibit A-1, 2 and 3 highlight the pertinent exchanges and the area involved
4. Names of Carriers. SBC Ameritech Wisconsin is the only carrier involved.
5. State Commission Approval. The Administrator of the PSCW Telecommunications Division has reviewed the facts associated with this case. In his response, the Administrator indicated that the PSCW Staff has "no objection" to the boundary modification, which will allow SBC to provide service to the new subdivision with facilities from the Whitewater exchange.²
6. Number of Access Lines or Customers. Since construction of homes has not begun in the new residential development, there are no access lines or customers currently being served in the area requested for modification. In the future, it is anticipated that up to 7 residential lots will be developed in this area and that each customer will eventually subscribe to one or more lines.
7. Usage Data. Since no customers currently reside in this "greenfield" development, no usage data is available.

² Lener from D. Albino to R. Block of 6/25/02, at 2 (attached hereto as Exhibit B)

8. Poll Results. Since no customers currently reside in this “greenfield” development, no poll data is available.
9. Community of Interest Statement. LATA boundaries were originally drawn so as to encompass contiguous geographic areas serving common social, economic, and other purposes.³ LATA boundaries created logical divisions between metropolitan areas (separating Cleveland from Columbus or Indianapolis from Ft. Wayne). However, these boundaries became less logical and more arbitrary in outlying rural or small-village areas much like the new subdivision and potential future customers involved in this petition. The area under consideration is in a rural community straddling a LATA boundary. Future customers’ private and commercial interactions are most closely linked to their neighbors residing in the same subdivision, even though some of those neighbors reside in an adjacent LATA.

As noted above, the Administrator of the PSCW’s Telecommunications Division has no objection to the requested LATA relief. Historically, the Department of Justice consistently supported SBC Ameritech’s efforts on behalf of Wisconsin local exchange customers. The DOJ uniformly recommended to the District Court SBC Ameritech’s requests for LATA boundary adjustments and noted the benefits received by the requesting customers, the de minimis effect approval of the request would have on interLATA competition, and the absence of any objections or other comments filed with the DOJ after public notice.⁴ The District Court was similarly

³ United States v. Western Elec. Co., 569 F.Supp. 990, at 993-1000(D.D.C.1983)

⁴ See, e.g., Motion and Proposed Order to Permit Wisconsin Bell, Inc. to Provide InterLATA Cross-Boundary Foreign Exchange Service, May 10, 1995 (customer: Larry Weber of Delavan, WI).

supportive. SBC Ameritech's requests for LATA boundary adjustments were routinely granted within a few months of their submission to the Court.'

10. Maps. Maps depicting the exchanges are attached as Exhibit A-1, 2 and 3.

11. Other Pertinent Information.

SBC Ameritech's current network infrastructure allows for this subdivision to be more efficiently served by facilities from the Whitewater exchange. SBC Ameritech has established sufficient feeder and distribution facilities from the Whitewater exchange to serve customers in this area. However, as it currently stands, SBC Ameritech would have to undertake additional infrastructure expenses to supply service from the Richmond exchange for seven homeowners in the subdivision.

In other LATA boundary relief situations that the Commission has considered, the focal point has been on the impact of interLATA competition and activity. The Commission's grant of the requested relief will have no effect on interLATA competition. Currently, no customers exist in the boundary area under consideration for modification. Therefore, no interLATA traffic currently exists in this area and not until customers construct homes and request access service will the calling patterns actually be established. The potential effect on interLATA and intraLATA track flows should be negligible and relatively balanced. Future calls that would have been interLATA (from the seven lots to LATA #356 beyond the EAS boundary) will now be intraLATA; other calls that would have been intraLATA (from the seven lots to LATA #354 beyond the EAS/local area) will become interLATA. Moreover, calls within the two affected exchanges are already under EAS and thereby rendered intraLATA. The only real effect

^J See, e.g., Motion to Permit Wisconsin Bell, Inc. to Provide InterLATA Cross-Boundary Foreign Exchange Service, March 23, 1994.

of this petition is to allow customers in the same subdivision to have the same inter/intraLATA telephone service.

In addition, this petition involves a new residential development that straddles the LATA boundary. The needs of future customers and the infrastructure inefficiency of provisioning facilities from two separate exchanges to satisfy the needs of one residential subdivision necessitate the requested relief.

Finally, it is unlikely that this geographic area will generate the need for further LATA relief in the future because there is very minimal potential for additional development. The Walworth County Land Management Department has indicated that “the land surrounding the Lorwood Acres Subdivision has, for the most part, been developed to its full potential.”⁶

⁶ Letter from N. Frauenfelder to R. Block of 8/16/02 (attached hereto as Exhibit C).


WHEREFORE, based on the above factors and such other relevant matters as may come to the attention of the Commission, SBC Ameritech respectfully petitions the Federal Communications Commission for the following relief:

1. Modify the LATA boundary between the Richmond exchange in Wisconsin's Southwest LATA (LATA #354) and the Whitewater exchange in Wisconsin's Southeast LATA (LATA #356) to allow a new residential subdivision to be served by facilities originating from the Whitewater exchange.
2. Any other relief the Commission deems appropriate.

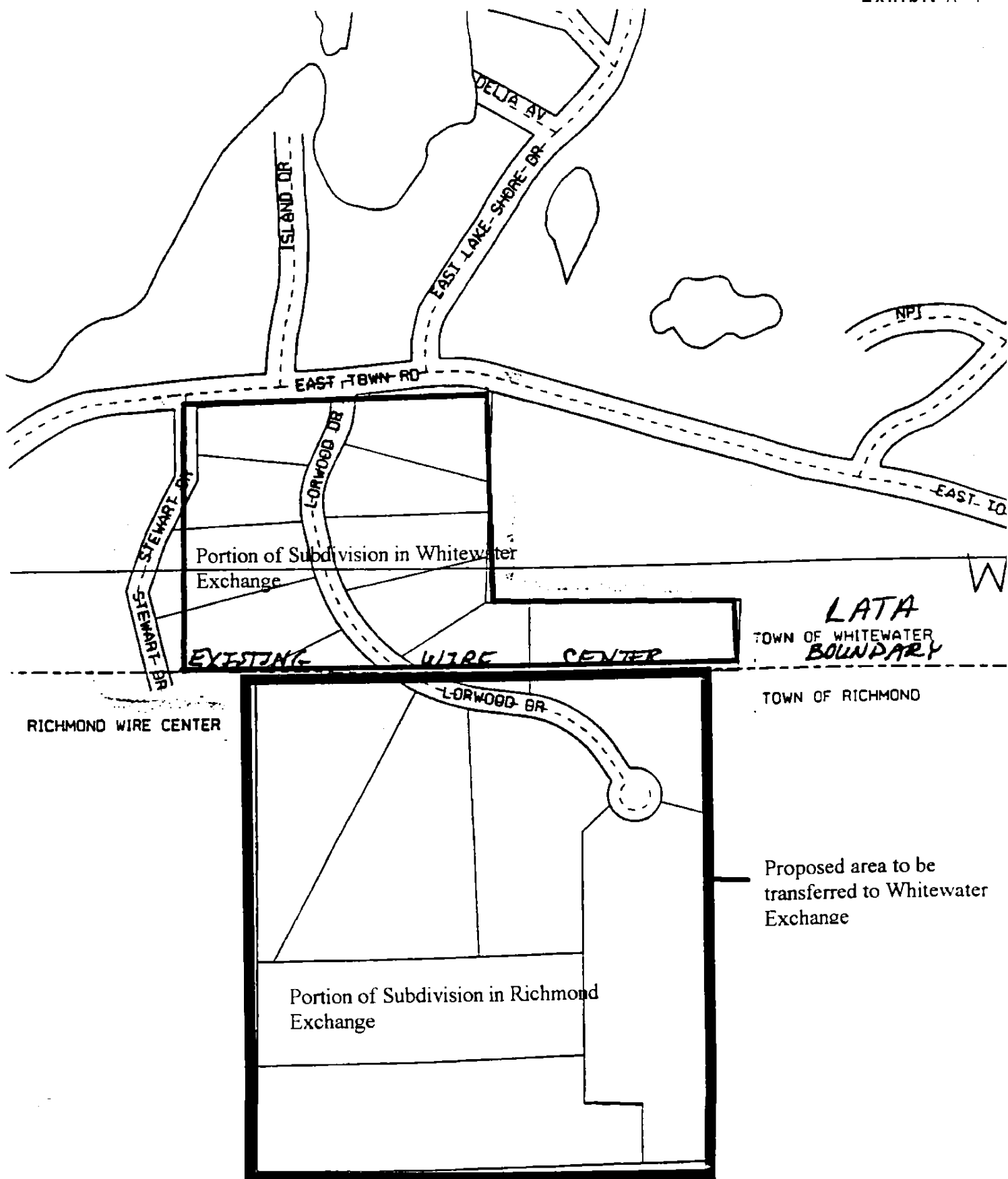
Dated on the 18th day of October, 2002,

Respectfully submitted,

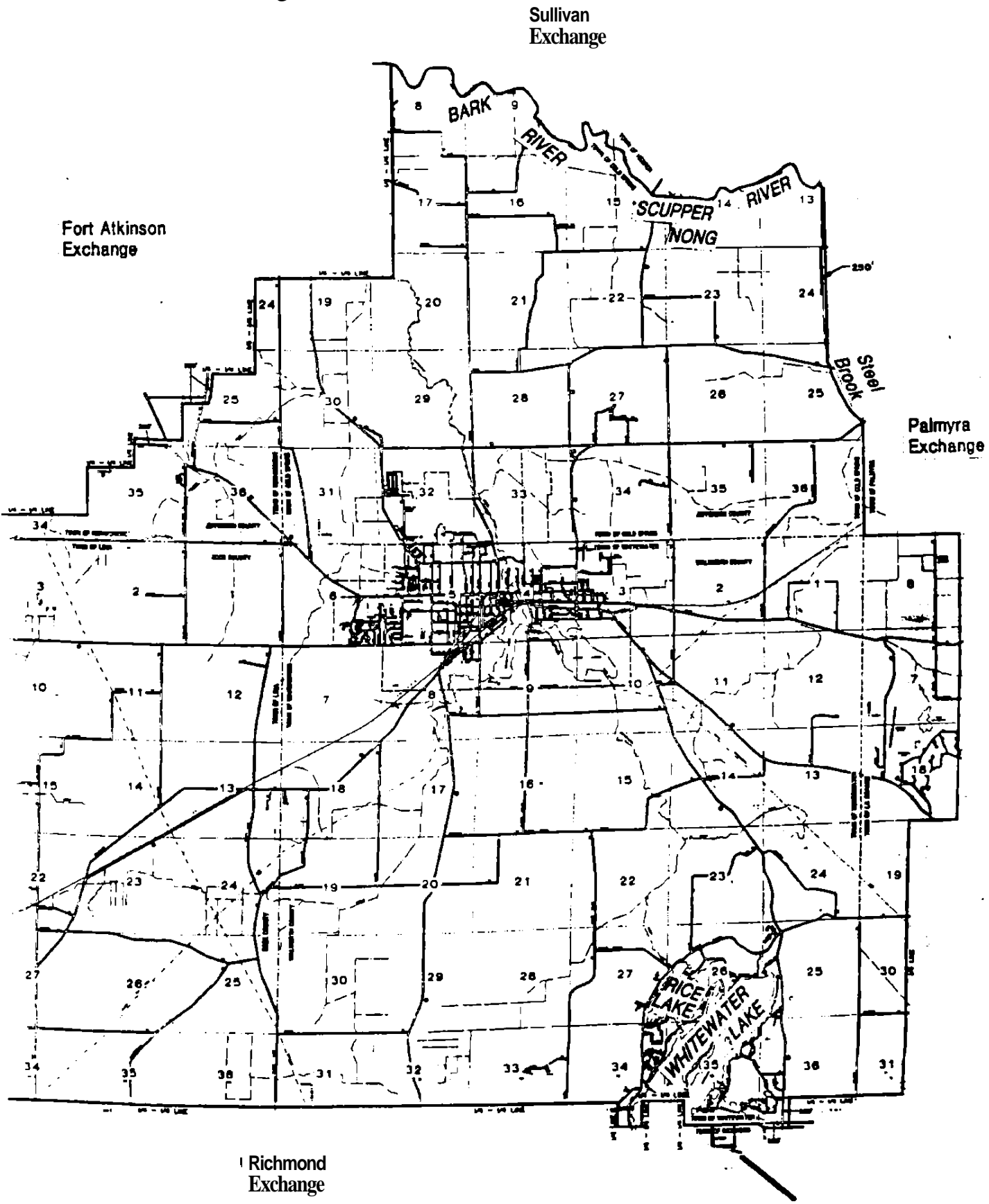
WISCONSIN BELL, INC.

By 
Steven R. Beck
Senior Counsel

722 North Broadway
14th Floor
Milwaukee, WI 53202
Voice: 414-270-4557
Fax: 414-270-4553

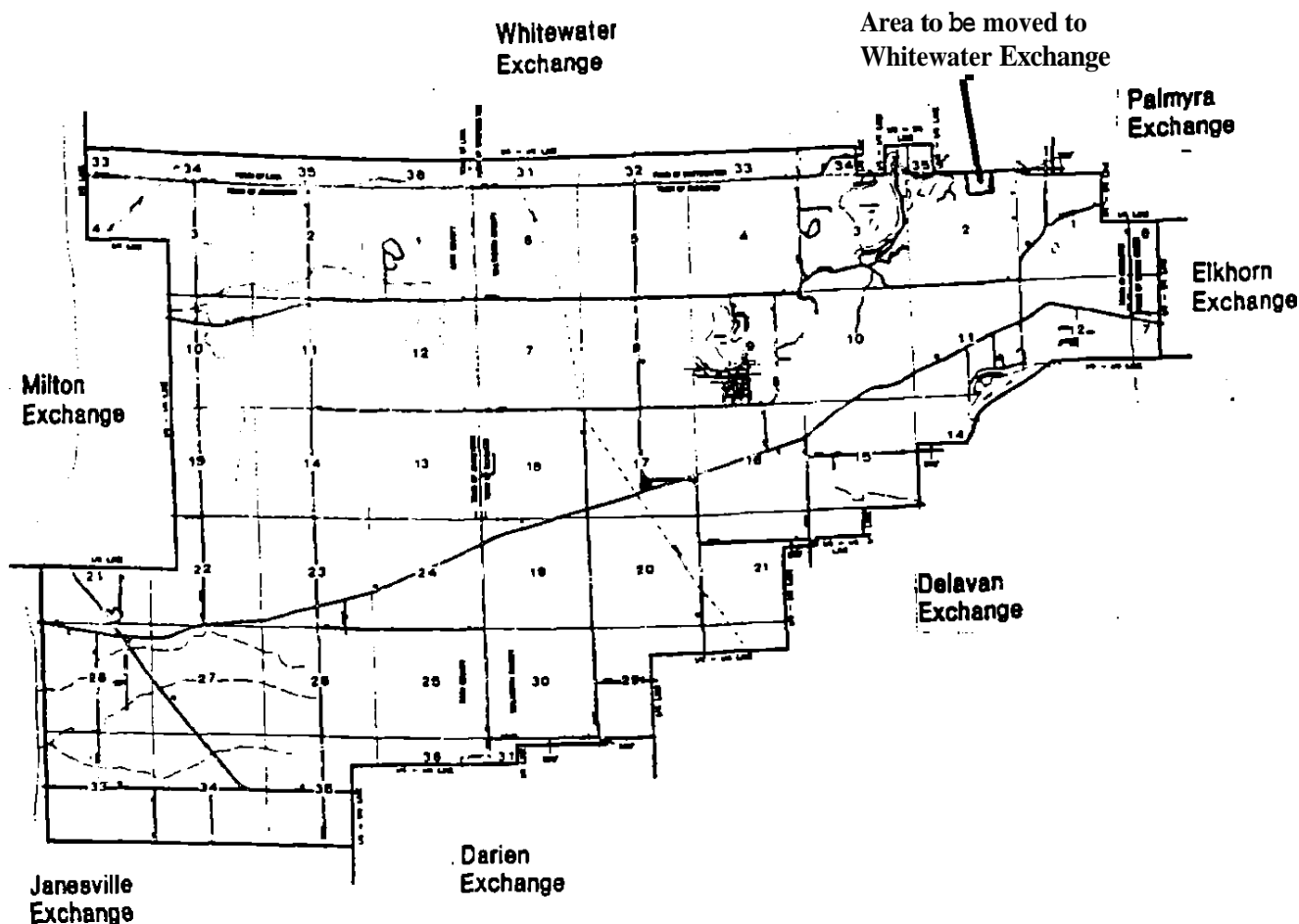


Whitewater Exchange



Area to be added from Richmond Exchange

Exchange Area Boundary Map



Code



Central Office



Exchange Area Boundary

PSCW acceptance
by letter dated May 27, 1993



Public Service Commission of Wisconsin

Ave M. Bie, Chairperson
Joseph P. Meltner, Commissioner
Robert M. Garvin, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

June 25, 2002

Mr. Ryan Block, Office of Regulatory Affairs
SBC Ameritech Wisconsin
722 N. Broadway, Floor 13
Milwaukee, WI 53202

Re: Ameritech Wisconsin's Petition for Modification of
Richmond/Whitewater **LATA** Boundary

6720

Dear Mr. Block:

SBC Amentech **has** indicated an intention to modify the **exchange** boundary between the Richmond and Whitewater exchanges. This boundary change is proposed so that a subdivision on the boundary would be served by the Whitewater exchange only and not be split by the boundary. The exchange boundary between Richmond and Whitewater is **also** the boundary between two **LATAs** – **LATA #354** (Richmond) and **LATA #356** (Whitewater). Consequently, the proposed exchange boundary change would also change the **LATA** boundary.

The petition involves moving 40 acres from Richmond (**LATA #354**) to Whitewater (**LATA #356**). **You** anticipate that there will be seven residential lots involved in the territory to be moved. At this time, you state there are no developments on this land and **thus** no existing customers.

There is extended area service between the exchanges of Richmond and Whitewater. Other local calling arrangements for the two exchanges are compared below:

	Extended Area Service with	Extended Community Calling with
Richmond	Whitewater Janesville	Clinton Milton
Whitewater	Richmond Fort Atkinson Palmyra	Delavan Elkhorn Jefferson Sullivan

Rates for local service are the **same at both exchanges**.

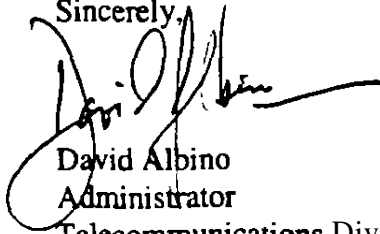
No existing customers are affected by this change of boundary. The change unifies the local service for a subdivision in this area, where **it** appears the community of interest would gravitate to the Whitewater Lake/Rice Lake area to the north of the subdivision (currently in the

Mr. Ryan Block
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Whitewater exchange). Given the layout of the subdivision and your exchange facilities, you have indicated that there are efficiencies to serve this area from Whitewater. The Commission staff has no objection to the exchange and LATA boundary change you propose for Whitewater and Richmond.

If you have other questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "David Albino", with a long horizontal flourish extending to the right.

David Albino
Administrator
Telecommunications Division

DA:GAE:srd:t:\ss\letter\2002\LATA Change
xc: MFC Records Management, PSCW



August 16, 2002

Land Management Department

Planning
Zoning
Sanitation

Mr. Ryan Block
C/o Ameritech
722 North Broadway
13th Floor
Milwaukee WI 53202

Dear Mr. Block:

This letter is in response to your question regarding potential land use for the area surrounding Lorwood Acres Subdivision.

In reviewing the **County** zoning maps and plat books, it appears that the land surrounding Lorwood Acres **has**, for the most part, **been** developed to its full potential. The surrounding land uses **are** as follows:

To the north are existing residential areas zoned R-1

To the east and south are residentially developed areas zoned A-2 **and** C-2

To the west **is a** residential area zoned R-1 and a commercial campground zoned c-2

Sincerely,

NEAL A. FRAUENFELDER
PLANNING MANAGER

NAF:mlh